

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RAYMOND NELSON,  
  
Plaintiff,  
  
v.  
  
JO ANNE B. BARNHART,  
Commissioner of Social  
Security,  
  
Defendant.

NO. CV-04-0273-MWL  
  
ORDER ADOPTING REPORT AND  
RECOMMENDATION

**BEFORE THE COURT** for resolution is the report and recommendation entered on December 13, 2005, recommending that this action be dismissed, without prejudice, for Plaintiff's failure to prosecute this action, failure to respond to the Court and failure to provide the Court with an address where he may be reached. (Ct. Rec. 7). Upon consideration of the report and recommendation, the Court adopts the magistrate judge's report and recommendation in its entirety.

**BACKGROUND**

Plaintiff filed a complaint in this matter on August 2, 2004. (Ct. Rec. 1). Plaintiff is proceeding pro se and *in forma pauperis*. Over one year has passed since the filing of the complaint with no activity occurring in this case since September 20, 2004.

1 On November 14, 2005, this Court ordered Plaintiff, no later than  
2 December 9, 2005, to show cause, in writing, why Plaintiff has failed  
3 to prosecute this action. (Ct. Rec. 5). The Court also ordered  
4 Plaintiff to advise the Court of his current address and a phone  
5 number where he may be reached. (Ct. Rec. 5) The Order to Show Cause  
6 warned Plaintiff that a failure to comply with the order could result  
7 in sanctions, including dismissal of the case, pursuant to the  
8 inherent power of the Court or the Federal Rules of Civil Procedure.  
9 Fed. R. Civ. P. 41(b), 11; *Chambers v. NASCO, Inc.*, 501 U.S. 32,42-44  
10 (1991). (Ct. Rec. 5).

11 The Order to Show Cause was returned as undeliverable as to  
12 Plaintiff on November 29, 2005 (Ct. Rec. 6), assuredly due to  
13 Plaintiff's failure to provide the Court with an address where he may  
14 be reached. Plaintiff has failed to contact this court or otherwise  
15 take action in this matter since September 14, 2004.

16 On December 13, 2005, the magistrate judge filed a report and  
17 recommendation, recommending dismissal, which contained notice that  
18 any objections to the report and recommendation were to be filed  
19 within ten (10) days of the date of service thereof. (Ct. Rec. 7).  
20 Plaintiff failed to file any timely objections.

21 **CONCLUSION AND ORDER**

22 Having reviewed the report and recommendation and there being no  
23 objections thereto,

24 **IT IS HEREBY ORDERED** that the report and recommendation, filed on  
25 December 13, 2005 (**Ct. Rec. 7**) recommending that this action be  
26 dismissed, without prejudice, is **ADOPTED** in full. This action is  
27

1 **DISMISSED**, without prejudice.

2 **IT IS SO ORDERED.** The District Court Executive is directed to  
3 enter this Order and an Order of Judgment, forward copies to Plaintiff  
4 and close the file.

5 **DATED** this 4th day of January, 2006.

6  
7 s/Fred Van Sickle  
8 Fred Van Sickle  
9 United States District Judge  
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